

**Water Struggles in Argentina:
International Policies, NGOs, and Civil Society in the Pursuit of Water Rights**

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As the world's most valued resource, water has been the source of debate, conflict and even wars throughout history. Its centrality to human life and dignity is universally accepted, but the best means for providing water access are highly debated. The polarity between a market-based approach of privatization and a recent shift towards a rights-based approach has been the source of worldwide societal struggles for water access. In the last decade, international human rights agreements were key in the global shift to a rights-based approach. The conventions and initiatives at the international level were brought to local communities through non-governmental organizations (NGOs) that informed and advocated for the public. Although I expected that the international community was the most important player in the realization of water rights, I found that Argentine society, in conjunction with many other communities around the world, actually contributed to the beginnings of the international establishment of the human right to water. A combination of developments in Argentina in recent decades. Including: a notoriously failed water privatization scheme in the 1990s, an active and human rights-oriented public, and major domestic political transitions, showed the power of civil society to create positive change and showed the implications and obstacles for the establishment of the human right to water. This country case study showed both the consequences of internationally hegemonic policies and the increasing public support for the legal recognition of water rights.

For this research, I analyzed the interactions between five main players in the water industry: international organizations, the state, multinational corporations (MNCs), national NGOs, and civil society, which I identify as active community groups. The cases, protests, and community solutions to water issues in Argentina offer promising evidence that current international acknowledgement of water rights is necessary but not sufficient. Through more participatory decision-making, using examples of such success stories as in Argentina, the human right to water can be realized throughout the world.

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ACRONYMS:

CEDHA	Centre for Human Rights and Environment in Argentina
CELS	Centre for Legal and Social Studies
COHRE	Centre on Housing Rights and Evictions
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICSID	International Center for the Settlement of Investment Disputes
IMF	International Monetary Fund
MDGs	Millennium Development Goals
MNC	Multinational Corporations
NGOs	Non Governmental Organization
SAP	Structural Adjustment Program
UN	United Nations
WHO	World Health Organization

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Carrying out the research for this project has been both academically gratifying and personally humbling. Learning about global disparities in human rights made me feel privileged, but also responsible to help create a world that guarantees health, dignity, and equality through an established right to water.

1.0 INTRODUCTION

Access to water is a fundamental human need and therefore a basic human right.

Kofi Annan, former United Nations Secretary General

No democracy can thrive without the full contribution of a free, active civil society that acts as a watchdog for good governance...Governments cannot carry out any policies, however good they may be, without the full participation, understanding and support of civil society.

Ban Ki-moon, United Nations Secretary General

Water is the world's most precious natural resource. Some argue that it is our most important commodity, therefore its allocation should be determined by market transactions and pricing mechanisms. However, water is inherently different than any other resource because of its social, physical and conceptual alterability and its necessity in upholding human life. The necessity and widespread presence of this resource leads to uncertainty regarding its use and management. In an attempt to create solutions for such pressing issues about water management and distribution, international multilateral groups like the World Bank and International Monetary Fund (IMF) imposed privatization policies on developing nations during the past three decades, in line with a neoliberal ideology. The policies privatized state water services and transferred the rights to large multinational corporations (MNCs). This changed water from a

public good into a private economic asset with private rights. In Argentina and many other nations, many lower- and middle-class groups suffered from losing access to safe water and sanitation.

Yet in the last decade, there has been a global shift towards a rights-based approach to water—a major catalyst being the adoption of General Comment No. 15 on the right to water by the United Nations Committee on Economic, Social and Cultural Rights in 2002. This first major political establishment of water and sanitation rights started a trend that allowed humanitarian-oriented non-governmental organizations (NGOs) at both international and domestic levels to inform and advocate for civil society to demand their water rights. Since this and other such political commitments as the Millennium Development Goals (MDGs), there has been a global shift towards a rights-based approach to water and sanitation. Despite these optimistic intentions, it is important to question whether this political acknowledgement of a right to water and sanitation, through its inclusion in international human rights agreements in the last decade, helped to make a difference in providing citizens with water rights. Acknowledgement of a right or policy certainly does not mean that a government will in fact fulfill their obligation. However, political recognition empowers civil society to impose political pressure on their governments by reminding them of their commitments. Many citizens that were harmed by these policies have opposed the MNCs by claiming their now internationally asserted human right to water, often through the guidance and assistance of NGOs. Various protests and legal cases initiated by Argentine civil society, as well as a rights-based approach to information dissemination and advocacy by humanitarian organizations at both international and domestic levels, show the importance of the establishment of water rights.

Human rights advocacy is often seen dichotomously: on one side are regional and global institutions, and on the other side are movements by civil society (Brysk 1993). But to find solutions to human rights issues, it is important to bridge this perceived gap. The transnational network of NGOs is crucial for bringing these sides together; its structure helps to make contributions to social change even if it lacks conventional power or works with an oppressive state. Because Argentina's civil society is notoriously active in their promotion and defense of human rights, Argentine NGOs can help mobilize social movements or inform and advocate for social groups that are willing to fight for their rights. During the so-called "Dirty War," Argentina's period of state terrorism from 1976-1983 when an estimated 30,000 citizens were kidnapped, tortured, and killed by the military coup, a human rights movement brought international attention to government's human rights violations and was the most regular and effective resistance against the regime. A society that is so historically and successfully active in human rights promotion is important to analyze in future fights for human rights, as they can be cited as a template for other movements worldwide. When a society challenges its government to acknowledge and respect citizens' rights, it can work in conjunction with international pressure from above to bring about change in the national system—politically, socially, economically and legally. Civil society in Argentina, as in many other countries worldwide, is asserting its rights to be provided with access to clean water and adequate sanitation. Yet without the compounded pressure from above at the policy level, and without the network of NGOs working as interlocutors to connect society and multilateral organizations, there may be very few rights actualized. It is therefore important that the international community create a more solid structure of water rights.

The decline of water privatization and neoliberal policies in Argentina coincided with rights-oriented political transitions around the turn of the millennium. At the same time, the international multilateral organizations began to approach water as a human right with General Comment No. 15. However, international and Argentine NGOs were already helping people pursue water access in the human right context, using existing international and national laws that implied the right to water through the guarantee of a healthy environment, for example. Of the many international organizations work to protect water, I identified three that are focused on the human rights aspect of water: the World Water Council, the World Health Organization (WHO) and the Centre on Housing Rights and Evictions (COHRE). These groups work to publicize local issues and provide forums or networks for local organizations, and are crucial connections to the global, policy-making community. Two Argentine NGOs that are involved with water access are the Centre for Human Rights and the Environment (CEDHA) and the Center for Legal and Social Studies (CELS). These groups work to create inclusive public policy with publications and research, empowering civil society with education and capacity building, providing advocacy and legal advisory assistance. They have been involved as interlocutors between the international level and local communities through their support in legal cases, protests, and their creation of community projects and water rights initiatives.

By utilizing tools provided by these NGOs, community organizations in Argentina continue to fight for their right to water. However, the public's actions need to be analyzed beyond their social and political motives and implications, and seen as an expression of society's need for the legal recognition of water. For example, the widespread public and political opposition to water privatization is considered by both supporters and critics of the neoliberal movement to be a major contributor to the failure of the process (Hall 2005). If society's pursuit

of and need for water rights continues to be publicized, it will become clear that reprioritizing water as a human right was an important step for empowerment but is not enough. NGOs have a key role in this process, by bringing awareness of their struggles to higher levels in search of policy change. When societal impacts can be seen comprehensively from not just a social but also a legal perspective, they will be useful in establishing water as an enforceable human right.

In this analysis of the impact of civil society's efforts to secure water rights, I first outline the timeline and catalysts of the rise and fall of water privatization in Argentina. For the purposes of this study, "civil society" is distinguished from international NGOs and national-level NGOs. I identify civil society as Argentina's active, local groups and leaders, including community-based consumer groups, labor unions, and neighborhood organizations that formed in response to a threatened water supply. Next, I explain the reasons that Argentina is a unique and powerful case study for social impacts, and then I explain the unique nature of water that makes it often considered a property right, but why a shift has occurred towards making it a property right. By evaluating the roles of NGOs that work at the international and national levels, then detailing notable cases and protests initiated by civil society, I show how these processes both helped motivate a global shift towards a rights-based approach and used the recognition of the human right to water to advance their efforts. Ultimately, these examples of participatory democracy were propelled ahead with the help of NGOs that showed how the first stages of establishing water as a human right made an important change in helping to bring water to many deprived citizens.

Yet this shift towards approaching water as a right is only the first step in a process to make clean water accessible; more legally binding actions must be taken by both international organizations and nations, to protect the sanctity and dignity of the lives of their citizens.

2.0 THE RISE AND FALL OF WATER PRIVATIZATION IN ARGENTINA

The most developed countries often are major determinants of political trends because of their guiding hand as leading members of international organizations, leaving the developing and emerging countries no choice but to follow in their lead. Neoliberalism, a concept that generated the phrase “There Is No Alternative” to economic liberalism and capitalist globalization, was the major political ideology that spread worldwide in the 1990s. There are three major components of the movement: trade liberalization, financial deregulation, and privatization of public enterprises (Cooney 2006). The push for private-sector involvement was promoted zealously in the early 1990s by international institutions and development groups alike. Private companies were expected to help developing nations by bringing the efficiency and investment that their public systems lacked because of political interference and vested interests of labor or bureaucracy (Muñoz 2005). Although the movement intended to reorganize international capitalism to repair the recession of the 1970s, this modification of classic liberalism may have been a movement to restore class power (Harvey 2007).

A significant catalyst for the international shift towards neoliberalism was the debt crisis of the 1980s. The crisis mostly affected developing, debt-ridden Latin American countries because of international factors such as high interest rates, colonial legacies, the OPEC price shock, and petrodollar lending from commercial banks, but Mexico’s 1982 debt moratorium was a direct catalyst for the regional recession. In 1983, Argentina was just starting to make a shaky

transition from a military junta back into democracy. The brutal coup of 1976 marked the sixth time that military had halted the development of democracy in the nation, an overthrow backed by upper classes and with intent to bring about *El Proceso de Reorganización Nacional*, or the rhetorically disguised Process of National Reorganization. The major goals of the military's political and economic restructuring agenda repressed a large portion of Argentine society, contributing to their later tendencies to fight for their rights and demand justice. The coup shifted power from unionized labor to landowning elites by moving towards a largely agro-industrial economy. Another one of the regime's most pressing priorities was to stop dissent, especially among unionized workers. To halt any perceived leftist threat, the junta kidnapped, tortured and often killed supposed "subversives" that were suspected opponents of the government. The Dirty War made an example of many citizens by instilling fear and mistrust in the population and rendering them unwilling to petition for their rights. The repercussions of these horrific human rights violations are still being felt in Argentine society, but it was notable that brave civil society groups were the ones who brought international attention to the crimes, proving their abilities to make change and the ability of the international community to leverage treaties and peace agreements.

After silencing the lower classes both economically and politically, the regime hoped to benefit transnational corporations with a shift to the production of agriculture and primary products, a move to accommodate international capital that was supported by including the International Monetary Fund (IMF) and the United States government, among other multilateral organizations (Harvey 2007). But following a disastrous defeat in the Falkland Islands War to England, the now-discredited military hurriedly tried to cover up their Dirty War crimes and

scheduled elections. In 1983, although the effects of the regime were still reverberating through the nation, Argentina regained a shaky grasp on democracy with the election of Raúl Alfonsín.

Alfonsín was strongly committed to re-establishing democracy, but the nation was in a vulnerable state as they were plagued with high inflation, overwhelming debt and many labor disputes. Although the new government was well intentioned, the administration tried to implement their policies on an unstable foundation that was built in the wake up corruption. This made Argentina highly susceptible to international pressures and provided an ideal template for the introduction of neoliberalism. This new political ideology seemed very appealing to a nation recovering from a period of state terrorism and on the verge of another economic crisis, but neoliberal rhetoric was hegemonic, determined by international organizations. Because this broad ideology could not be tailored to the diverse needs of all nations, the many possible interpretations of the framework led to potentially unanticipated consequences (Appadurai 1996). In Argentina, the tempting rhetoric about how the movement could bring them out of their crisis made many enthusiastic about its implementation.

In an effort to stabilize the economy, Alfonsín worked with the IMF to negotiate loans, after agreeing to adopt their Structural Adjustment Programs (SAPs), government guidelines consisted of neoliberal policies like privatization, deregulation, and trade liberalization (Campbell 2006). Yet Alfonsín did not prioritize the implementation of this structural adjustment, and instead focused on restoring faith in civil society with his prosecution of hundreds of soldiers and generals that carried out crimes and abuses during the Dirty War. Despite his inability to get control on economic or political politics during the economic crisis, people showed a newfound confidence and support of the return to democracy. When Alfonsín finished his second term, Carlos Menem was elected as president in 1989 on a platform that

appealed to the poor and working classes. Menem's campaign rhetoric, similar to that of Margaret Thatcher in England and Ronald Reagan in the United States, promised positive changes to a long-suffering economy. Although there were critics of this strategy from its first suggestion, enough support was garnered for Menem to win the presidency. After his election, events at both the domestic and international levels encouraged the perception of water as a commodity more than as a human right and the broad acceptance of privatization. Yet once in office, he quickly reversed much of the public trust gained through Alfonsín's military prosecutions by pardoning the Dirty War crimes of many officers. This brought about significant controversy throughout Argentina, but people gained more faith when he brought about an economic plan, "Plan Cavallo," named after his economic minister Domingo Cavallo. Menem planned for this "Convertibility Plan" to act as a sort of shock therapy for the economy by more firmly establishing the neoliberal policies that were vaguely in place (Cooney 2006). This Convertibility Plan, an idea based on privatization, deregulation and trade liberalization, aligned closely with the policy ideals of major world organizations. The World Bank used this situation to advance the policy through the region when former World Bank president Lewis Preston visited in June 1992 and declared Menem's process of adjustment towards neoliberalism to be an example for all of Latin America (Santoro 2003).

The development rhetoric of the 1990s in the water sector also shifted at the international level with the establishment of the Dublin Principles at the International Conference on the Environment in 1992. The four major guidelines for the water sector promoted: care for the environment, increased participation of non-government stakeholders, sensitivity to gender issues and an increased role of markets. This conference recognized the basic right to clean water access—the fundamental human need for water has been long understood. However, the policies

promoted to push forward this ideal assumed that a market-driven system should be the means of reaching the goal of safe and accessible water. The Dublin Principles stated:

“Water has an economic value in all its competing uses and should be recognized as an economic good. Within this principle, it is vital to recognize first the basic right of all human beings to have access to clean water and sanitation at an affordable price. Past failure to recognize the economic value of water has led to wasteful and environmentally damaging uses of this resource. Managing water as an economic good is an important way of achieving efficiency and equitable use, and of encouraging conservation and protection of water resources.”

Although the Principles established that people should have access to clean water, the conference aligned with neoliberal ideology that private enterprises should supply public goods to provide that access. Critics of the theory suggest that while privatization may be the best solution for certain industries or goods, private enterprises should not supply a public good that is non-rival, non-excludable and non-rejectable (Picolotti 2003). In other words, they say that if a good or service is endlessly available and people cannot abstain from its consumption, it must be subsidized and provided by the public.

Besides the global community's orientation towards a market-based approach for water management, there were compounded factors at both the international and domestic levels starting in the 1980s that encouraged Argentina to privatize water and sanitation. The 1980s Latin American debt crisis brought both loans and structural policy adjustment from the World Bank and IMF to many nations in the region. At the same time, the infrastructure of the public water and sewage utility Obras Sanitarias was deteriorating because it had not been updated since its construction in the 1880s. This translated to a loss of up to 50% of the system's water due to leaks and a 600L per capita consumption rate. The system gained added demands from Buenos Aires' unanticipated population growth from 3 to 9.5 million; to connect the nearly 65% of the city's population not yet connected to the water system, extensive capital was necessary.

Despite its lack of readily available finances, privatization critics argue that the public utility was actually a “well-run company” with little debt that could have expanded by itself with sufficient funding. This analysis suggests that the water system may have been salvageable without being privatized (Santoro 2003). However, privatization was the most readily available solution.

In 1991, the head of Obras Sanitarias Eduardo Cevallo acknowledged that the state could not pay the billions of dollars in investments needed to prevent the water system’s collapse. In accordance with the neoliberal policies suggested by the World Bank and IMF, Cevallo turned to privatization and said that Obras Sanitarias was a “model for privatization” (Santoro 2003). After Argentine government expressed interest in the privatization of dozens of industries, there became international interest in privatizing the water system. In the early 1990s, both British and French government officials went to Buenos Aires to lobby on behalf of two French companies. The French government was very eager to win the privatization contract, and the French minister of commerce even promised to increase investments in Argentina if French firms won contracts to manage private systems.

In December of 1992, a 30-year concession to operate Buenos Aires water utilities was won by Aguas Argentinas, a consortium of France’s two powerful water companies Vivendi and Suez. One notable complication to this situation was that the World Bank and their lending arm, the International Finance Corporation, became part owners in Aguas Argentinas when they bought a 5% stake in the private concession. Because these organizations were part-owners in the corporations that owned the water facilities, their decisions about lending or policy suggestions to Argentina would likely be biased and in protection of their own interests instead of the interests of the people. Privatizing the water industry initially seemed like an ideal solution

to Argentina's debt problems and the water utility's deteriorating infrastructure, but the neoliberal policies were introduced to unsteady system (Santoro 2003).

When the decision was made to privatize Obras Sanitarias, the rates in Buenos Aires for public water and sewage utilities went up more than 60%, and there was a nearly 20% sales tax increase. Over the next few years, this benefitted Aguas Argentinas, which earned a high profit cited at somewhere around 15 – 25% per year, although some economists in the Inter-American Development Bank say that the profit may have been as high as 40% (Santoro 2003). This high profit made Vivendi and Suez confident of their decision to bring a subsidiary into Argentina, which was further supported in 1995 when Menem was re-elected. First, Suez got a concession for the Province of Santa Fe, including Rosario, Santa Fe and 13 other of the most important cities in Argentina. In an official visit to France in 1996, Menem continued his "Cavallo Plan" of water privatization when he met with the heads of Suez who wanted to renegotiate their contract to receive higher payments. In return, Suez agreed to speed up the water and sewage connections (CBC-TV 2004).

However, the dramatically increased connection cost was met by protests in Buenos Aires. This led to a congressional commission issuing a report that accused Aguas Argentinas of "serious and grave" breaches of its contract, failing to meet the goals for infrastructure development and failing to inform the regulatory body, ETOSS, of its operations. Congress ordered the company to suspend the connection fees for 800,000 new users in Buenos Aires, an order that led to a much more reasonable renegotiation of this rate. In 1997, Suez was awarded another concession in Córdoba. That February, Menem passed Decree 419 in an attempt to centralize power with the national government. This decree furthered neoliberal policies by pushing for deregulation, since it took power to negotiate with water companies away from the

regulatory body, ETOSS (Entre Triparto de Obras y Servicios Sanitarios), and put his political ally Maria Julia Alsogaray, then the Minister of Natural Resources and Sustainable Development, in charge of the regulatory group (CBC-TV 2004). Critics argue that this Decree 419 was a move to remove Aguas Argentinas from public accountability. Besides being a clear shift towards government power, Decree 419 was controversial because of the widespread reputation of Maria Alsogaray as being a greedy and corrupt symbol of Menem's neoliberal economic policies. In 2003, Alsogaray was charged with several counts of misappropriation of government funds in addition to other corruption and embezzlement charges (Santoro 2003). This prevalence of political corruption in the mid-1990s fueled Aguas Argentinas to continue financially overburdening the growing population of Argentina. Before much of their regulatory power was taken away, ETOSS had warned the Argentine government that Aguas Argentinas had only built one-third of the water infrastructure that they promised upon the renegotiation of their contract during Menem's visit to France, would be completed by 1997. Beyond that, they had only invested \$9.4 million of the promised \$48.9 million for sewage. Despite these major company flaws and advisement against it, a new contract was finalized with the revisions sought by Aguas Argentinas. Around the time of this renegotiated contract, the World Bank already invested hundreds of millions of dollars in Argentina's privatization project. Despite this high level of involvement, the Bank sent one of its senior water managers to join the French subsidiary in Argentina and kept him on the payroll for three years until a new contract was created (Santoro 2003).

The lack of regulation of Aguas Argentinas allowed problems to continue growing. The company asked ETOSS for a rate increase of 11.7% in 1998, only 1.61% of which was authorized. However, when they appealed to Alsogaray, she was able to persuade Menem to

authorize rate increases incrementally—first a 5.1% increase, and later a 17% increase. The next year, Chaussade, the general manager of Aguas Argentinas, promised a new \$1 billion, five-year investment plan in exchange for further rate increases. Despite this exponential rate increase and unfulfilled promises, Menem continued his support for privatized water up until the very end of his term, when he signed a new contract in 1999 (Santoro 2003).

While the new government did not prioritize privatization and neoliberal policies as Menem had, they put their faith in Aguas Argentinas in early 2001. In hopes to revitalize an economy falling into recession, the Argentine government allowed water rates to be increased again by 9.1% so that the company would speed up their \$1 billion spending plans. Unfortunately, this plan was unsuccessful so the economy plummeted because of huge debt and frozen bank accounts. In total, water rates in Buenos Aires increased 177% since the industry was first privatized, leading interim president Eduardo Duhalde to pass an “economic emergency law” to freeze utility rates in 2002. This was problematic for the many industries that were privatized during the 1990s—Aguas Argentinas defaulted on their loans, for example. Therefore, some of these privatized utilities took the Argentine government to the International Court for Settlement of Investment Disputes (ICSID), claiming that the rate freeze violated their contracts. Yet although these privatized companies were suffering from losses, the Argentine people still were not getting access to their basic water needs. A 2003 report by the Center for Public Integrity found that even ten years after the privatization of Buenos Aires’ water and sanitation services, poor neighborhoods still lacked access to safe drinking water. The report cited stories of people living among the poorest municipalities of Buenos Aires, districts with cinder-block homes on dirt roads that do not have sewers. The people said that they could only drink water after boiling it to avoid getting sick, yet many of them were unable to pay for the gas necessary

to heat the water. The report further notes that “A country that only 10 years earlier had Latin America’s highest standard of living is now on a level with Jamaica; half of Argentina’s 37 million people live below the poverty line” (Santoro 2003).

Despite the exponential rate increases and the failure of the water industry to expand and improve their services to so many Argentines, the World Bank considered the private water concession a success, blaming the lack of investment on the economic crisis. Yet the World Bank was still highly involved in the situation—the ICSID is part of the World Bank group, and the IFC still owned a 5% stake in the concession. A delegation was sent by the IMF and World Bank to Buenos Aires to assist the government in the renegotiation of utility contracts (CBC-TV 2004). The IMF came in to Argentina again at a vulnerable time, offering new loans to any country under the condition of structural reform that utility contracts would be increased. This pressure was added on by the French foreign minister Francis Mer, who visited then-President Nestor Kirchner insisting utility rates be raised because the decline of the peso’s value had cost French companies \$10 billion in Argentina. Argentina eventually signed a new IMF agreement promising to address the rate issue—yet Congress clarified that there could be no rate increases without newly negotiated contracts with these utilities. This led to the Argentine government’s reexamination of all privatization contracts, including Aguas Argentinas. In 2006, their contract was ultimately revoked. This was controversial from both perspectives—while supplied water was not regulated and scheduled water infrastructure was not built as promised, the devaluation of the peso in 2001 reduced the value of tariff revenues, making it harder for the company to reach their original targets. When the private contract was terminated, the public entity Aguas y Saneamientos Argentinas took over responsibility for the service provision in 2006.

This rise and fall of privatized water in Argentina saw a “lost decade in the struggle of clean water for all” (Hall 2005), and the Argentine case showed that water needs for the poor shouldn’t be left in the hands of profit-driven water corporations who raised water tariffs and failed to deliver promised improvements. However, the solution cannot rest entirely with the state, because that had previously proved unsuccessful. Clean water access must be fought for from both the grassroots level and from a policy-oriented top-down perspective. This pressure from both sides can make sure that water utilities be run according to local need.

3.0 RECOGNITION AND PRESSURE FROM ABOVE

3.1 FORMATIVE YEARS OF WATER RIGHTS ESTABLISHMENT

The international framework of rights provides the legal basis for rights, and international treaties help to empower not only citizens of the world, but to spark the creation of NGOs and fuel them to help advocate for and inform citizens. In international human rights and humanitarian laws, water rights have evolved since the United Nations' Universal Declaration of Human Rights in 1948. The thirty articles of this declaration, though not legally binding to any members of the UN, defined both civil and political rights and economic, cultural and social rights. It is recognized as the basis of universal human rights and a notable original step in the process towards a rights-based approach. Water was recognized as a right the next year in 1949 when Geneva Conventions were created. The principle of these four conventions protects civilians and combatants during armed conflict, and seeks to maintain individual dignity for those that should not be affected by conflict. They entitle prisoners of war access to water and sanitation in situations of armed conflict and occupation, and additional protocols added in 1977 say that civilians should not be targets for attack, including their water facilities. Because these Geneva Conventions are universally ratified, that means that these provisions are legally binding upon all states ("The Geneva Conventions"). This specific recognition of water in early humanitarian law is very supportive of establishing an individual right to water and sanitation.

Nearly two decades later, the International Covenant on Civil and Political Rights was established in 1966 as a legally binding treaty. It does not define the right to water or sanitation in this Covenant, but it obligates states to protect rights such as the rights to life, dignity and self-determination—none of which can be ensured without access to the most vital human need of water. Although most countries do not explicitly reference a right to water in national legislation, these international treaties can be creatively interpreted to enforce water rights through courts, such as vying for a right to life or a healthy environment (International Covenant on Civil and Political Rights, 1966). Also in 1966 was the International Covenant on Economic, Social and Cultural Rights (ICESCR), another legally binding treaty that obligates states to protect rights including the rights to health, housing and work. Because the resources necessary to fulfill these rights may not all be immediately available in all nations, the governments can take steps towards a progressive realization of those rights, as long as they are allocating the maximum amount of their available resources. States are required to use “all appropriate means, including particularly the adoption of legislative measures” to follow through with their obligations. To do this, states have to review existing legislation and policies and change or repeal them if needed to ensure that the obligation to provide water and sanitation The right to water was not explicitly stated in this Covenant either, but water rights can be interpreted from Article 11, which guaranteed the right to an adequate standard of living, and Article 12 that guarantees the right to health. Almost all states in the UN that have ratified the ICESCR have further acknowledged in political declarations that the right to an adequate standard of living by necessity includes water and sanitation (International Covenant on Economic, Social and Cultural Rights, 1966). Political acknowledgement does not mean legal obligation, but it is a step that can put pressure on leaders and organizations to move towards law creation.

In 1979, the Convention on the Elimination of All Forms of Discrimination Against Women explicitly mentioned water and sanitation—the first time that happened in an international legally binding convention. Article 41.2 states that women have the right to enjoy adequate living conditions, particularly related to housing, sanitation, electricity and water. Ten years later, the Convention on the Rights of the Child added another dimension to international treaties by focusing on giving representation to children. It brings in specific political, economic, social and cultural rights of children, and is the second document to explicitly reference the right to water. Article 24 requires the state to give children the right to health and fighting disease and malnutrition by providing adequate amounts of healthy food and clean drinking water. The monitoring body, the Committee on the Rights of the Child, since clarified that Article 27, which clarifies the entitlement to an adequate standard of living, includes access to clean drinking water and latrines. The next international treaty to acknowledge water rights was not until 1999—the time when Menem left office and leading up to the decline of water privatization in Argentina. The Protocol on Water and Health was an addition to the 1992 Convention on the Protection and Use of Trans-boundary Watercourses and International Lakes, and aimed to improve national measures for the protection and ecologically sound management of water resources. Article 5 states that “equitable access to water, adequate in terms both of quantity and quality, should be provided for all members of the population.” Furthermore, the Protocol recognizes the importance of societal involvement to ensuring water rights.

“Access to information and public participation in decision-making concerning water and health are needed, inter alia, in order to enhance the quality and implementation of the decisions, to build public awareness of issues, to give the public the opportunity to express its concerns and to enable public authorities to take due account of such concerns. Such access and participation should be supplemented by appropriate access to judicial and administrative review of relevant decisions.”

This is an important step towards a rights-based approach because it recognizes the valuable role of civil society in helping to establish water rights.

In 2002, the United Nation's General Comment No. 15 interpreted the ICESCR to confirm the right to water and incorporate it into international law. It was the first official document that clearly states that the right to water is necessary for an adequate standard of living and as a fundamental condition for survival. Because it is an interpretation, it is not legally binding, nor can it create new laws or state obligations, but the content can be clarified and disputed issues can be interpreted by the monitoring body, the Committee of Economic, Social, Cultural Rights. The Comment gives guidelines about the interpretation of water rights between Article 11 and 12, which respectively clarify the rights to an adequate standard of living and the right to health. This document takes a more active approach to water issues by outlining the obligations of the states and defining the actions that count as violations to these rights. As with the ICESCR, nations must take steps towards the progressive realization of these rights, no matter what their level of development. Because many of the least developed countries are the ones that are struggling to fulfill water rights for their citizens, the Comment encourages the international community to pay attention to water rights in international agreements (26). It diverges from the neoliberal policies of the previous two decades because it notes that international agreements about trade liberalization should make sure not to prevent the realization of water rights. General Comment No. 15 states the standards encompassed by water rights:

“The human right to water entitles everyone to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses. An adequate amount of safe water is necessary to prevent death from dehydration, reduce the risk of water-related disease and provide for consumption, cooking, personal and domestic hygienic requirements” (26).

CESCR identified five basic standards that each person must be provided. The World Water Council's publication about the right to water (2006) breaks down the five standards that water must meet as a human right: sufficient, safe and acceptable, physically accessible and affordable. An adequate and sufficient quantity must be available in accordance with international guidelines, ordinarily implying 40 to 50 liters per day, with an absolute minimum of 20 liters per day. Water must be safe for each use and must meet a very high standard for consumption, and must also be an acceptable color, odor and taste. It must be safe and physically accessible either within or near the household, and must be affordable, not affecting a person's ability to buy other essential goods. The CESCR puts three types of obligations to fulfill these standards on State parties. First, governments must respect their citizens by not interfering with people's access to water, for example by disconnecting their water supply. Secondly, governments must protect people's access to water from interference by others, for example by preventing pollution. Thirdly, governments must take all necessary steps to fully realize the right, for example by passing legislation, implementing programs, or allocating and monitoring budgets.

The UN Sub-Commission on the Promotion and Protection of Human Rights expanded the interpretation of water rights to include the right to sanitation. As set out in the Sub-Commission's Final Report, the human right to sanitation requires that states ensure to each person access to safe, accessible, affordable sanitation facilities in or near their homes and public institutions, including educational institutions, hospitals and places of work. "State parties have an obligation to progressively extend safe sanitation services, particularly to rural and deprived urban areas, taking into account the needs of women and children." The report defines necessary

features of sanitation as being available, accessible and of high enough quality to minimize health hazards and maintain the privacy and dignity of individuals.

While water rights are primarily for the protection of individual citizens, rights of authorities are also protected, and duties of users and authorities are outlined. Some of the rights and duties of authorities and users include more than the physical right to water, but the right and duty for information dissemination and participation. Users of a water service are guaranteed access to information, consultation, participation and the right to start legal proceedings, as well as the right to disseminate information about rights to water and sanitation. However, these users still have duties—besides protecting the resource, cooperating with water services, and complying with restrictions—that relate to societal involvement such as requesting the assistance of social services when needed, and exercising their rights to monitor the acts of public officials. At the same time, authorities are given rights including but not limited to: the rights to collect subsidies and aid, to establish prices in relation to users' capacity to pay, and to pursue offenses and violations. The authorities must also fulfill their duties, including making a positive legal framework for investments and for proper use of service operations, ensuring the proper maintenance and renovation of installations, and encouraging information for and participation of users (Dubreuil 2006)

After this notable step for water rights in 2002, the Convention on the Rights of Persons with Disabilities in 2006 was created as a legally binding treaty. Article 28 details that people with disabilities should be ensured social protection, which obliges the states to ensure equal access to clean water services for people with disabilities. Water rights started to be much more rapidly recognized. The Human Rights Council requested that the Office of the High Commissioner for Human Rights publish a report of their study about “the scope and content of

relevant human rights obligations related to equitable access to safe drinking water and sanitation under international human rights instruments.” In the report, relevant international human rights obligations are discussed and evaluated for their content, scale of effectiveness, and levels of monitoring, with suggestions listed for those sections that required elaboration. The High Commissioner stated in the report, “It is now the time to consider access to safe drinking water and sanitation as a human right, defined as the right to equal and non-discriminatory access to a sufficient amount of safe drinking water for personal and domestic uses...to sustain life and health.” The Human Rights Council considered the report they requested and adopted Resolution 7/22 in 2008, appointing an independent expert on the issue of human rights obligations about safe water and sanitation access. By referring to explicit obligations about water access in various human rights treaties, the Human Rights Council recognized that governments are required by human right obligations to provide access to safe water and sanitation.

Civil society became more involved when Catarina de Albuquerque was appointed as the Independent Expert of the Human Rights Council in the end of 2008. Since then, she has made several visits to countries to examine the state of water and sanitation and both the national and local levels, identifying positive practices and advising the government on steps to improve access and protect human rights. She communicates regularly with civil society groups to exchange views on the best practices for safe drinking water, and annually presents a report to the General Assembly. The Independent Expert can be an important point of communication and a way to bring the voice of civil society directly to the highest levels of human rights promotion. In July 2010, the UN formally recognized the right to water and sanitation with Resolution 644/292, acknowledging that water and sanitation are an integral aspect of human rights. This Resolution is a welcome step further towards guaranteed water rights, but is still not legally

binding and is far from a treaty about the right to water and sanitation (31). Yet the adoption of this resolution by the Human Rights Council is another positive step, which confirms that the states who incorporate the ICESCR into their Constitution must take responsibility for providing safe water and sanitation.

3.2 ARGENTINE CONTEXT

Argentines have had a long exposure to human rights issues and understand the right to defend their rights, especially in context of the bravery of civil society during Dirty War (Brysk 1993). At that time, Argentina was the only country in the hemisphere and one of the only in the world to condemn a military government for perpetrating human rights abuses. The actions by civil society in Argentina advanced a human rights movement in Latin America and set a precedent for international legal considerations of human rights (“Right to Water”).

In combination with a public dedicated to humanitarian justice, the Argentine government has set a legal framework for human rights by ratifying international treaties and incorporating rights’ guarantees into the National Constitution. During the transition to democracy in the 1980s, the government ratified six treaties, including the Convention on the Elimination of Discrimination Against Women and the Convention on the Rights of the Child, both of which make the government responsible to provide access to clean-drinking water. In 1994, the human rights identified in these treaties were incorporated into Argentine National Constitution because of the constitutional charter assigned to the treaties. Abramovich and Courtis (1997) note, “the adoption of international human rights treaties at the highest level of the local normative pyramid and the acceptance of the jurisdiction of international bodies in the

area of human rights, obliges the local judicial actors to recognize the interpretation of these treaties that has taken place at international venues” (Abrmovich 1997). The constitutional rank of these human rights norms has led to more thorough evaluations of local development issues and has provided new tools for the enforcement of international human rights law. By incorporating such rights as the right to health, quality of life and access to fresh water into the National Constitution, the judicial branch now guarantees international human rights norms. This shows a tendency to use international standards for the interpretation of state obligations for human rights and for the judiciary to be a protector of human rights doctrine above the actions of the state.

Water is implicitly protected within Argentine national law in addition to the Constitution’s inclusion of international treaties. The 1994 reform of the Argentine National Constitution is important for the rights it protects, including Article 41, which guarantees the right to a healthy environment appropriate for human development. This article takes a sustainable approach, stating that these resources should meet current needs without compromising the needs of future generations. Furthermore, authorities are required to rationally use resources, maintain a minimum budget for their protection, and provide environmental information and education to citizens (“Right to Water”). The protection of water can be inferred from this right to a healthy environment; it is used for industry, agriculture, and household consumption, and is necessary for human development. A healthy environment is provided further protection in Ar. 43, which gives these rights statutory protection. Water also has inferred protection in Ar. 124, giving provinces domain over the natural resources in their territory (República de Argentina: Constitución de 1994). Argentina’s Civil Code references various water resource issues. According to Ar. 2341, “Individuals have the right of use and enjoyment

of public goods of the state or the states, but they will be subjected to the dispositions of this code and general or local decrees.” This gives individuals the opportunity to use water resources according to present regulations, and clarifies the Constitution’s establishment that resources belong to the province they are within (Picolotti 2003). Finally, the Penal Code states in Ar. 200 that it is a crime to poison or adulterate fresh waters (“The Social Protests for Water in Tucuman”). This expands legislation to so that it protects not only natural resources but also the harmful effects they may have on people if they are adulterated.

Although water is being increasingly recognized as a right, water access is a specific issue in Latin America due to problems from the growing regional trend of urbanization. Despite the abundance of rainwater in Latin America, the inequitable salaries and limited access to water contribute to scarcity. Yet Argentina’s water struggles are only one instance of the excessive and urgent problems for the industry worldwide. Water and sanitation are fundamental requirements for life, health, and empowerment. It is important to approach the issue of water accessibility from both a rights-based and legal-based perspective (Picolotti 2003). Using a rights-based approach advocates for the spread of information and increased participation in assemblies that affect people’s access to water, hygiene and sanitation. The legal recognition is also crucial, because it promotes national and international accountability, and a specific means for actively increasing the access to water and sanitation. Fully recognizing the right of safe water and basic sanitation ensures that this minimum access is not merely a moral obligation but a legal entitlement. This legal recognition gives a basis for communities and organizations to campaign governments and other responsible actors for improvements and encourage them to fulfill their obligations. While the right to water is being rapidly established at the international level, there is still significant work that must be done to ensure it is incorporated at the national level. To

implement these rights, there must be a clear definition of the rights, obligations and responsibilities of each stakeholder, an identification of an overseeing authority, and appropriately allocated human and financial resources.

4.0 NGO ADVOCACY FOR CIVIL SOCIETY

Argentina's people have continued to fight for human rights over the last three decades through major political transitions, economic crises, the rise and decline of water privatization, and renegotiated loans and policies. However, although they are dedicated to making change, civil society is not always fully informed of their rights nor fully equipped to make changes. This requires the incorporation of civil associations and NGOs into the process to act as a middleman between society and the policy-makers at the international and national levels. With the realized need for and the initial establishment of water rights, many organizations were created or expanded their work to the most vulnerable sectors of society whose right to water was being ignored. By voicing the needs of civil society to the appropriate governing bodies, and bringing information and advocacy from the international to local level, these groups have a crucial role in the recognition fulfillment of water rights.

4.1 INTERNATIONAL GROUPS

While there are hundreds of international organizations that work to protect our world's most valuable resource, they defend it in different contexts. Three of the major groups that defend water primarily as a human right are the World Water Council, the World Health Organization

(WHO) and the Centre on Housing Rights and Eviction (COHRE). These groups are not typically involved at the ground level but are still a key player in the promotion of water rights. The first way that international organizations can indirectly assist civil society in their pursuit of water rights is through publicity. These organizations can publicize information to help from both above and below; issues from the local level can be promoted to raise visibility and promote water rights, and information about rights can be provided for civil society from these groups with many more resources.

4.1.1 World Water Council

The World Water Council was established in 1996 through a combined effort of renowned water specialists and international organizations in response to the global community's rising concern for water issues. With over 50 countries represented, among them Argentina, and nearly 350 member organizations, the World Water Council tries to find a common, achievable strategy on water resources and water services management amongst all of its stakeholders. Its core values and projects are centered on transparency, democracy, dignity, independence, and the participation. This self-identified "umbrella organization" facilitates programs and relationships between members, limiting their work to policy-related issues. Primarily, they establish these connections through the World Water Forums, bringing together stakeholders from throughout the globe every three years to discuss water issues. This organization is crucial to ensuring water rights and solving the global water crisis because they unify the many disjointed players that are involved the management, distribution and consumption of water. The Council is especially important in the empowerment of civil society because they strongly prioritize societal participation. The World Water Council has identified the importance of communities being able

to cite international treaties and laws that support the human right to water as the “community advocacy approach.” Promoting the right to water necessitates not only that people have water access, but also that people without access have the ability and information to fight for that right (Dubreuil 2006).

The World Water Forum began in 1997 shortly after the Council’s creation, bringing over 30,000 participants from almost every country in the world. It is the largest international event in the field of water, aiming to raise awareness and create change about water issues by bringing together authorities and the public at large. The theme and host country differ every time this event is held, once every three years. It is an important event that provides opportunities to create partnerships and build a progressive, shared vision for solutions about water issues. The Forum has four main components that ensure each actor in the water sector is included. The Thematic Programme consists of sessions and panels; the Political Process allows for discussion between elected officials from local to national levels, and results in statements and commitments—an important step in the process of water rights acknowledgement; the Regional Process gives different perspectives from across the world on water issues; the Fair and Expo is a space for stakeholders to contribute and showcase their ideas (World Water Council). Although this forum provides a recently non-existent place for different actors in the water sector to interact, it has two potential flaws. First, while discussion and political commitments are important, they are not a final step for water rights. Civil society groups and NGOs may be appeased with a statement promising to improve water safety and access, but this political acknowledgement is not comprehensive enough. Furthermore, Catarina de Albuquerque has expressed concern that rights are being watered down in declarations at the Forum. For example, at the 2009 forum, delegates described water as a “basic human need” and not as a right. A declaration from government

ministers at the 2012 Forum does not explicitly confirm the human right to water, and rather asks signatories to pursue, “human rights obligations relating to access to safe and clean drinking water and sanitation.” By not recognizing water as a human right, countries may use this statement to avoid legal and financial obligations to uphold their responsibilities to their people (Provost 2012). Secondly, despite their positive intentions, the Forum may actually limit the inclusion of certain groups or factions of society, as it costs almost US\$1000 for full access. This may protect the interests of MNCs or high-ranking officials rather than promoting full participation from local levels and encouraging community-led, bottom-up manage of water resources (World Water Council). If water rights discourse continues to be open-ended, it may allow states and MNCs to take manipulate human rights commitments in their favor. These potential issues with the World Water Forum reflect an ever-pressing need to establish a universal legal establishment of the human right to water.

4.1.2 World Health Organization (WHO)

The World Health Organization (WHO) is part of the United Nations system, serving as the coordinating authority for health. This group takes responsibility for providing leadership on global health, setting standards and establishing norms, providing support to countries, monitoring health trends, and analyzing evidence for policy options. As an international organization, the WHO is able to work with governments from the top-down to establish norms and standards for water rights. It can also track and look at the effectiveness of different water systems and programs, and offers advice for other nations struggling with this issue to improve their systems (“WHO Guidelines”).

In 1990, the WHO and UNICEF created a Joint Monitoring Programme for Water Supply and Sanitation (JMP). Its overall aim is to report globally on the status of water supply and sanitation, and helps to raise awareness of issues by publishing data about rural and urban water connections. The JMP has been producing these reports since 1990, but 2000 was the first year that their statistics were based on household surveys instead of government census information, which may reflect a shift towards inclusion of civil society. Its other main purpose is to keep track of the progress indicators for the Millennium Development Goals by gathering data through surveys and censuses about countrywide and regional access to improved water sources (“WHO Guidelines”).

The eight Millennium Development Goals (MDGs) were set out in the UN Millennium Declaration, adopted in 2000 by the UN General Assembly. These target goals are a mission agreed to by all the world’s countries and leading development institutions to end world poverty. These eight goals, subdivided and clarified with targets and indicators, are: 1) Eradicate extreme hunger and poverty, 2) Achieve universal primary education, 3) Promote gender equality and empower women, 4) Reduce child mortality, 5) Improve maternal health, 6) Combat HIV/AIDS, malaria and other diseases, 7) Ensure environmental sustainability, and 8) Develop a global partnership for development. There are three targets in Goal 7, and Target 10 aims to: “Halve, by 2015, the proportion of people without sustainable access to safe drinking water and basic sanitation.” The two indicators to monitor progress towards this goal involve UNICEF and the WHO, and are seeking: 1) a proportion of the population in both urban and rural areas to have sustainable access to an improved water source, and 2) a proportion of the population in both urban and rural areas with access to improved sanitation. The efforts to meet the Millennium Development Goals are particularly important to people without water access.

The Millennium Development Goals have an understood intention to improve the lives of the poor, but are incomplete without measures to guarantee human rights principles of accountability, non-discrimination, information access, and the right to participate. Therefore, the right to water and sanitation can work in conjunction with the MDGs by promoting steps to target the groups that are most disadvantaged and not just easiest to reach.

4.1.3 The Centre on Housing Rights and Evictions (COHRE)

The Centre on Housing Rights and Evictions (COHRE) is an international, non-profit NGO committed to protecting the human right to housing and related services. Established in 1994, and with offices in Africa, Latin America and Asia, COHRE works with partner organizations at international, regional, national and local levels around the world. This organization works to uphold international standards and human rights norms for housing, and uses their research and documentation to contribute to the field of Economic, Social and Cultural Rights since 1999 when they were given consultative status with the Economic and Social Council of the UN. In Argentina, COHRE has been working to resolve the housing crisis that came about in 2001 with the economic crisis. This housing crisis has added to the human rights violations in the country's poorest, most vulnerable communities—namely the slums that developed around the major cities.

Because access to clean water and sanitation are basic components of adequate housing, COHRE works to protect the marginalized groups whose health and life are threatened with arbitrarily or exorbitantly increasing water prices. This group is crucial in the promotion of water rights because they work at key actors on every level of the decision-making process. Internationally, its involvement and consultation with the UN can influence policy decisions and

human rights norms and allow local groups to directly participate at this multilateral level. At the regional level in Latin America, COHRE works with the Inter-American Commission on Human Rights. Its work at the national level carries the most impact because it promotes government compliance with international standards, and brings awareness of achievements at the local and national levels back to international and regional groups to bring greater fulfillment of human rights, such as the right to water. COHRE works directly with governments and also uses its international experience to help strengthen local human rights-focused NGOs, encouraging them to use international standards (COHRE). This group is critical in the ultimate realization of water rights for its multi-level efforts and abilities to connect society groups with policy-makers.

4.2 ARGENTINE NGOS

4.2.1 Center for Human Rights and Environment (CEDHA)

The *Centro de Derechos Humanos y Ambiente*, or the Center for Human Rights and Environment (CEDHA) is a non-profit organization founded in 1999, at a time when society was just transitioning to understand development from a rights-based perspective. This organization aims to develop awareness about the relationship between the environment and human rights, and using the capacity of the state, private sector actors, and civil society to work together for sustainable development. Through activities including research, education, training, legislation promotion and litigation, this group improves access to justice and raises the importance of protecting human rights and the environment. CEDHA helps people in Argentina seek access to justice through a multi-faceted approach of public consultation, mobilization, organization, and

rights acclamation. Through research, this group identifies dire environmental problems that human rights in poor communities. Then the group takes that research with an environmental perspective to help people advocate for the right to a healthy environment, personal health, and a quality life—all goals that can be achieved with the mindset of water rights.

Shortly after its founding, this rights-oriented NGO launched a Right to Water Initiative, which has a main goal of bringing about equal human rights that are affected by use of water resources. This initiative was established in 2002, the same year that the United Nations recognized the human right to water in General Comment 15. The Right to Water Initiative works at both local and international levels to achieve specific goals such as: recognizing that fresh water access is a human right, promoting access to justice for victims of degraded water, advocating for regulations and legislation that incorporate society's perspective, and capacity building on human rights issues. The initiative has existed for a relatively short time, but has high relevance, as CEDHA continues to produce publications on the subject and provides action examples for individuals and organizations advocating the right to water. To achieve these goals, CEDHA undertakes many activities. They counsel public decision-makers on how to include a human rights perspective in water management policies. To complement that approach, they train civil society leaders about the existing links between human rights and access to safe water, so that they may advocate for themselves and protest when necessary and possible. They participate in and organize water events at local, regional and national levels, and contribute to comments and revisions of the ever-important General Comment No. 15. They also provide free legal advisory services to victims of water-related human rights violations, and undertake legal actions before judicial bodies at the local, regional and international level. One example of CEDHA's legal strategies was the case of *CEDHA v. Municipality and Province of Cordoba in*

Argentina in October of 2004. In Córdoba, several of the outlying poor neighborhoods suffered because of severe contamination of local water and a lack of access to public water distillation networks. Because the Argentine Constitution guarantees the right to a healthy environment and incorporates several international human rights tools like ICESCR, four community members together with CEDHA filed an action against the municipality and province of Córdoba. The municipality was ordered to make sure that the treatment facility was properly functioning, and the province was ordered to provide 200 liters of drinking water per day to the four claimants until they received access to public water service. In December 2004, the municipality presented a plan to repair the sewage infrastructure, and the Province of Córdoba started public works for providing fresh water for affected communities.

Another important goal of CEDHA is working with international financial institutions to “promote transparency and public participation, improve access to information, facilitate public access to justice, ensure human rights and the protection of the environment through the development of operating policies and in the decision-making process of IFI loans” (Muñoz 2005). By monitoring and promoting guidelines that create transparency, CEDHA helps to increase public participation and sustainable development. Argentina is especially aware of the need to create transparency. Currently, CEDHA is working with the World Bank, the Inter-American Development Bank, and such regional groups or agendas as: the Initiative for the Integration of Regional Infrastructure in South America (IIRSA), the IFC and the Equator Principles, UNASUR Energy Treaty, and Rio+20. This focused attention on international financial groups, which have historically held conflicted relationships with the water industry, can help create a more positive and open relationship that protects water rights while maintaining financial interests of MNCs.

CEDHA also works as an interlocutor between civil society and a larger movement of human rights advocacy groups with its participation in various networks. It belongs to the MEROCSUR Human Rights Public Policy Observatory, in which civil society representatives from the region surrounding Argentina work to monitor and influence human rights in public policy, working with the most vulnerable sectors. Another group they belong to is the Inter-American Democracy network, which brings together civil society organizations working together in a public arena, to strengthen participatory democracy. This group helps its members, such as CEDHA, act as advocates that work collaboratively between civil society and regional leaders. Taking the information from these larger networks and organizations, this group targets its efforts mostly at: poor, marginal, and informal communities; students; civil society organizations, and private sector agents (CEDHA).

4.2.2 Centre for Legal and Social Studies (CELS)

The *Centro de Estudios Legales y Sociales*, Centre for Legal and Social Studies (CELS) is an NGO that works to strengthen democracy in Argentina and promotes human rights. This organization was created in 1979, during the major influx of a human rights movement in Argentina, following the worldwide spread of human rights awareness after the Declaration of Human Rights. That worldwide shift took hold in Argentina during the Dirty War to end the overwhelming civil and human rights violations by the military dictatorship. CELS was created with the intention to document the state's human rights violations and give legal assistance to the victims' families. After democracy was reinstated in 1983, they continued their mission with crucial contributions to the justice system, relating at first to the cases of the *desparecidos*. By the mid-1990s, at a time that intersected with Menem's Convertibility Plan and the introduction

of water privatization, they expanded their work to enforce economic, social, and political rights as cornerstones of a strong democracy. CELS especially works on behalf of the most vulnerable and frequently excluded members of society as they try to strengthen the judicial system to guarantee human rights with the incorporation of international law. Of five key programs that have subdivided focuses, the Program on Economic, Social and Cultural Rights works to enforce the right to water. The program strengthens the relationship between public services and the protection of human rights based on international human rights standards and encourages the participation of civil society in designing an appropriate framework for public utilities. An example of the program's work is the *amicus curiae* request, discussed later, that was filed before the International Center for the Settlement of Investment Disputes (ICSID). In this situation, civil society members who worked in conjunction with CELS members acted as "friends of the court" to ask for multi-national corporations to be more open and inclusive of civil society especially in situations involving water and sanitation services.

This institution carries out its mission of inclusive democracy and human rights justice with four main objectives. First, they focus on reporting human rights violations to the legal body at the appropriate level. As of May 41, 2013, CELS is litigating over 30 cases before international human rights organizations, in addition to over 100 within Argentina. However, they see these court proceedings as a mere step in their strategy that works towards promoting human rights. Secondly, CELS works to influence public policy design so that it is structured with respect for fundamental human rights. They do this by monitoring the implementation of public policies through their connections with and oversight of officials in each branch of government and at the local through national levels. Thirdly, they promote reforms for improve the quality of the democratic institution in Argentina, which is a growing success as CELS

continues their networking with regional organizations and community groups. The fourth goal focuses on helping the most vulnerable sectors of society exercise their rights through information dissemination and advocacy. This last goal has been the motivation between much of their water rights work because water issues most often affect these vulnerable groups of society who are uninformed of their rights or unequipped to fight for them.

4.2.3 Combined Projects

The community advocacy approach identified by the World Water Council is actualized with the interactions of NGOs at different levels (Dubreuil 2006). In 2004, NGOs of different levels worked together to launch a project enabling two low-income neighborhoods in Buenos Aires to pursue their right to water. CELS and COHRE worked with the La Cava and Conet communities to help them add plans to extend the piped water network. These two communities were selected because they asked for legal and policy assistance and because they demonstrated sufficient organizational ability and interest to take action. COHRE and CELS launched this community empowerment project with multiple target goals that recognized the importance of increasing the capacity of the people in communities to advocate for themselves. The outcome of the project enabled the people of La Cava and Conet to understand both their responsibilities and rights involving water access. In the first phase of the project (July to December 2004), community representatives were informed about their rights that were asserted domestically in both the Argentine and provincial Constitutions and internationally in General Comment No. 15. From this information, these representatives strategized and negotiated improvements for water access with authorities at the local, provincial and national levels. COHRE and CELS broadened the base for these communities by connecting them with other scientifically or technically oriented

NGOs that could further help the communities develop political or legal strategies. They helped to create community links to the other networks of NGOs by organizing meetings and writing reports for the other groups to survey. This connection to other NGOs helped also establish a network with other communities so that neighborhoods that seek improved and expanded public services could work together to influence the political process. During the second phase (January to June 2005), the project for these communities on the outskirts of Buenos Aires progressed from strategy to action. COHRE and CELS created training workshops for the La Cava and Conet community members so that they could be better organized to develop firm plans for securing they would have access to water services. Because of the efforts of these civil society representatives to bring visibility to their situation, these communities received government recognition of their problems. Continued pressure on the government from the La Cava community made them a part of the regionally implemented Federal Plan on Housing, despite the municipal government's original plan to resettle the community outside of the municipality to exclude them from the plans. Subsequently, Conet was also added to the water network extension plans (Dubreuil 2006).

5.0 PUBLIC LEVERAGING OF HUMAN RIGHTS

The Argentine Courts have upheld the implicit right to water and a healthy environment recognized in Article 41 of the Constitution. Case-law in Argentina has proved significant for both water providers and users, the courts have determined that the state is both responsible for protecting its citizens from water being polluted by a third party, and for providing a minimum supply of water even if the water provider is a private corporation. In the 1997 case of *Menores Comunidad Paynemil*, the Court said that the state failed to meet its obligations of the right to water by not taking reasonable measures to prevent the pollution of water sources in the indigenous Paynemil community (Chowdbury 2011). This case came at a time when Argentine civil society was starting to realize the negative implications of water privatization. Then in 2002, the water supply of nineteen low-income and indigent families in Cordoba was disconnected by the water service company on the grounds of non-payment. The court held in the case of *Quevedo Miguel Angel y Otros c/ Agua Cordobesas S.A.* that a minimum quantity of drinking water must be guaranteed to everyone regardless of their ability to pay. Furthermore, the Court said that the state was responsible for providing drinking water, not the private water provider. Although the Court ordered the water provider company to supply 200 liters of water each day for each family, the company was also ordered to reach an agreement with the government to compensate for the cost of supplying water to those families incapable of paying for it. A third reiteration of the state's responsibility to provide safe drinking water came in the

2002 case *Users and Consumers in Defense against Aguas del Gran Buenos Aires S.A./Injunction*. These cases were all decided before the water privatization contracts were terminated in Argentina, and contributed to the end of privatization—and a move towards the recognition of human rights.

5.1 PROTESTS AND CO-OPERATIVES

Co-operatives could have been a viable alternative to privatization in Argentina—water and sanitation co-operatives developed strongly during the 1960's and 1970's, and today they are responsible for these services in most Argentine cities with less than 50,000 inhabitants. Yet during the privatization of the mid 1990's, co-operatives were denied the possibility of participating. The view of water users and local authorities in affected cities was not considered, nor was the possibility of restructuring the existing companies. In the 11.220 Act of privatization in the province of Santa Fe, Article 18 states, “for the selection of the concessionary, the preferences of the article 31 of Act 10.798 are not applicable.” This meant that municipalities, communities, co-operatives, users, water unions, or smaller water companies were ruled out of the possibility for partnership or restructuring. Water co-operatives and local community-run utilities were a barrier to privatization policies because of two major reasons. First, MNCs needed much higher profits, especially when operating in countries outside of their country of origin. Even if some groups or communities were able to run the water utilities more efficiently, the company prioritized their interests to meet a certain profit margin. Secondly, community-run utilities were in the way of privatization policies because the neighborhoods that created them felt a sense of ownership for the utilities they built together (Muñoz 2005).

These community groups were not big enough to fight a corporation on their own, but were eventually able to regain control of the water utility in Buenos Aires. Around 2,000 water co-operatives from different parts of the Buenos Aires province came together and in 2001 established the Federation of Drinking Water Co-operatives of the Province of Buenos Aires (FEDECAP). This did not succeed in ending the larger privatization scheme of Aguas Argentinas, but successfully showed an example of participatory management. By 2002, the provincial government, in conjunction with the workers, regained control over the water utility. The holder of the private concession before it was taken over was Azurix, a subsidiary of Enron. The concession covered over 70 cities with water and sanitation, decreasing the water access in the three years that they had the concession. They hoped that a deposit of US\$500 million would show plans for improvement and would allow them to escape their contractual obligations as Suez and Vivendi had managed to do for a decade. However, without Menem's leadership and with an increasingly active civil society, the takeover by the public was a development that represented a big step in the recovery of public space and the power of society (Muñoz 2005).

Although many smaller communities could foresee a potential solution of community- or co-operative-run utilities, citizens in Buenos Aires or larger municipalities certainly could not run the utilities themselves. After Aguas Argentinas announced an \$800 water and sewer connection fee in 1996, large-scale protests responded immediately. Thousands of Buenos Aires residents demonstrated, many of them residents of the suburban Buenos Aires town of Lomas de Zamora. As the movement spread, thousands of the new water clients blocked roads into the capital. This led to the Argentine Congress accusing Aguas Argentinas of breaching their contract, and a re-negotiation of the connection fees. While there were not as many protests in

Argentina as in Bolivia and Chile, where water utilities were also privatized by Suez, these regional protests worked together and caused Suez to slowly retreat from Latin America.

Other regional influence has come from the case in Uruguay, where after a 2004 national referendum, a large majority supported constitutional amendments to ban privatization and define water as a human right. This was promoted by a coalition of movements and shows the effectiveness of consumers and communities at various levels of water management. Effective public participation inspired civil society groups in Argentina to launch a campaign for a referendum to get water access recognized as a basic human right, and to declare such a public property as water exempt from privatization.

5.2 AMICUS CURIAE IN THE ICSID

Aguas Argentinas, Suez and Vivendi demanded reparations from the Argentine government for damages to their investments that were brought on from the public utility rates freeze that came about after Argentina abandoned the system pegging its currency to the dollar. In response to this legal action by these companies, various groups of consumers and human rights organizations in Argentina submitted a claim to the International Center for the Settlement of Investment Disputes (ICSID). They turned in a “Petition for Transparency and Public Participation as Amicus Curiae” within the proceedings started by Aguas Argentinas, Suez and Vivendi. The petitioners requested that the tribunal grant three requests: first, that petitioners be allowed access to the hearings in the case; second, that the petitioners be given the opportunity to present legal arguments as *amicus curiae*; third, that the petitioners be given “timely, sufficient, and unrestricted access to all the documents in the case.”

This situation created a fundamental precedent, because it was the first time that a tribunal operating under the rules of the ICSID determined that it was acceptable for civil society organizations to participate as *amicus curiae* even if the parties—in this case, the companies—opposed to their participation. An *amicus curiae*, literally a “friend of the court,” is someone not party to the litigation, but brings new relevant information to the attention of the Court that may be of considerable help in their decision-making. The decision whether to admit the information submitted by the *amicus curiae* lies with the court, and if the brief of the *amicus curiae* does not seem to serve this purpose and just burdens the court, they will not accept the filing (“Amicus Curiae” 2008). Although the companies making the claim asked the court to reject the petition in its entirety, the ICSID tribunal allowed Argentine civil society to submit a petition because this particular case was of “special public interest” because the investments issue related to the distribution of water and sewage systems in a large metropolitan area, including Buenos Aires and its neighboring municipalities. The tribunal allowed the petition by arguing that because such systems that provide basic public services to millions of people could pose complicated issues involving public and international law, including human rights issues. The ICSID tribunal also noted that by accepting the briefs of the *amicus curiae* petition briefs, there could be increased transparency in proceedings between investors and states. The specifications made by the tribunal regarding petitioning organizations in the future included that the group seeking to be *amicus curiae* should provide information about their identity and background, nature of their interest and reasons why the Tribunal should accept the brief. The notable acceptance of this civil society petition in light of such a basic human need as water and sanitation shows one example of how a shift to a rights-based approach towards water encourages civil society to fight for their rights (ICSID Case No. ARB/03/19).

5.3 GOVERNMENT ACCOUNTABILITY IN PAYNEMIL

In this case, an injunction was filed against the Argentine government to prevent activities that harmed water in the community, jeopardizing their right to water, and holding the government accountable for failing to meet its obligations. This case involved the water supply of an indigenous community, the Paynemil Mapuche Community, in Neuquén, which was polluted with lead and mercury by an oil company. The Children's Public Defender, who worked largely with COHRE, filed an injunction against the local government, saying that the province was obliged to provide necessary fresh water for the community since water is a basic human right. She reasoned this right to water by deriving it from the right to health, which can only be guaranteed through water access ("Right to Water").

In October 1995, the indigenous people first noticed signs that the oil company polluted the water when hydrocarbon, likely gasoline, was extracted from land within the community. In 1996, the Assembly for the Human Rights on Aborigines' Land, a commission formed by the University of the Comahue, presented evidence of the water pollution. The commission presented him with a note in which he reported, "a probable fact of heavy metal water-bearing pollution of the phreatic layer from which the Paynemil community get their water supply" in addition to a potability analysis of the community's water supply. The evidence presented during the court hearing proved that the authorities were aware of their pollution and failed to address the issue. The state claimed to have taken measures to fix the pollution and to be studying the causes and analyzing the type of pollution present in the water. However, the Court ruled that because of the seriousness of the situation and urgency to protect the impacted rights, the delay of the state in addressing the pollution was unacceptable (Picolotti 2003).

The sentence by Court ruled in favor of the Children's Public Defender, sustaining the protection of the injunction, and required the province to fulfill four requirements: 1) Supply 250 liters of fresh water daily per inhabitant within 2 days of the decision; 2) Ensure the safety of the drinking water supply within 45 days of the decision; 3) Start necessary actions to determine if there were damages to the health of the inhabitants, and if so, take necessary steps for their treatment; 4) Take necessary actions to assure environmental preservation from the pollution. Since the case, the government provides free barrels of mineral water to the community every week, and planned to construct a water purification plant—although the last two required measures were not fulfilled, and the plans for building the plant have been constantly delayed. Because so many stipulations were not met by the government, the Children's Public Defender brought the new case to the Inter-American Commission on Human Rights, arguing for a violation of the articles in the Inter-American Convention on Human Rights by the Government that protect the right to life, effective judicial protection, and children's rights. These violations were fought for because water rights do not have a distinct legal representation in a covenant or legal document, so there is not an international court that can represent the interest of the people who are denied their right to safe water access ("Right to Water"). It can be concluded from this case that the Argentine government must guarantee rights that are afforded constitutional protection, including the rights to health, a healthy environment, and water as a human right. This ruling in favor of Paynemil and condemning the state for their lack of responsibility and violation of a human right is an important step in the process of establishing water rights.

5.4 TUCUMÁN

This water conflict began in a small province of Tucumán in the mid-1990s, spurred by the increased rates that created conditions for social unrest. The situation in Tucumán was due to many political and economic factors in years before. The governor of the province, General Antonio Bussi, came to power in 1976 during the military dictatorship, and his administration stayed in power until 1999, through the return of democracy in Argentina. He improved the situation in the province in some ways, including raising employment and the standard of living, but many human rights violations were carried out under his reign. The provincial government transferred their water utilities to Agua del Aconquija, another subsidiary of Suez and Vivendi. The residents of Tucumán had financed and regulated the water infrastructure in their community, so they were in opposition of their self-managed water system being taken over by a private company. In 1994, the initial water rates were 104% increased from the provincial company's rates, which caused residents of different cities in Tucumán to form the Association for the Defense of Users and Consumers in Tucumán (ADEUCOT). This consumer group organized protests, started a movement to boycott payments, and asked the provincial government to end the contract. The government did not act until January 1996, when dark water started coming out of taps in San Miguel de Tucumán. The movement to boycott payments increased at this time, and caused the provincial government to bring up the possibility of ending the contract with Agua del Aconquija. However, this made the protests transform into international instead of simply local conflict when the French ambassador publicly cautioned the Argentine government, in fear that water contracts would be cancelled across the board. The Argentine government then verbally supported the citizens of Tucumán, and in 1997, the Tucumán government fully terminated the contract with Aguas del Aconquija.

The situation in Tucumán had evident human rights violations, such as the 104% increase of rates for water services that were protested with the “stop payment” boycott. It is unlikely that many low and middle-class families could have paid for water services at such an economically poor time in the province. Furthermore are the legal actions of Menem’s administration to bring about privatization of public services without public consultation. In a representative democracy, lawmakers should listen to the constituents that elected them instead of other government sectors or financially alluring offers of MNCs. Finally, the poor water quality is the most obvious factor that designates a human rights violation. The company allowed the dark water to come out of taps for a month without making efforts to decrease rates or improve services—a failure which caused the Argentine government to support ADEUCOT (“The Social Protests for Water in Tucuman”). This conflict was another notable circumstance where the efforts of civil society regained what they recognized as a public good. It shows a need for the restructuring of water rights discourse, largely due to the operative tendencies of MNCs and remnants of neoliberal policies.

5.5 LOCAL LEVEL IMPACT ON INTERNATIONAL SYSTEM

This case study of Argentina’s protests, cases, and community projects are examples of successful change stemming from local levels. Through advocacy and education from NGOs, persistent, groundbreaking efforts from communities, and leveraging of international norms, civil society successfully started a process for all Argentines to be able to realize their right to water. NGOs are necessary in the process of establishing and realizing water rights as interlocutors. They have the tools to bring evidence from the local to international, policy-forming level

through forums and cases, and the responsibility to educate and advocate for civil society to leverage their rights. Humanitarian NGOs in Argentina's involvement in water issues also contributed to the global shift towards water being acknowledged as a right and not isolated as an environmental or economic concern. Furthermore, the successful end to the privatization scheme and awareness of water rights in Argentina was due to a combination of political transitions and a historically active civil society. The Argentine public further fought for their human rights by electing new leaders who were less influenced by international pressures than previous administrations and more committed to fulfilling the needs of the people. The Argentine public had previous experience mobilizing their human rights movements by bringing awareness to the international community. During the Dirty War, humanitarian groups gained international attention by universalizing their issues, documenting the nature and scope of violations, and demanding the fulfillment of international norms of state responsibility (Brysk 1993). A history of successfully asserting their rights and establishing relationships in the international community helped civil society in Argentina contribute to the worldwide fight for the establishment of the right to water.

Before researching the Argentine situation, I expected that the last decade's shift towards a rights-based approach for water policy at the international level would be a major catalyst allowing NGOs and society to realize their rights. However, after overlapping timelines of evolving international water rights norms and the key protests, cases, and community projects in Argentina, I found that these local movements were pursuing water as a human right before the United Nations established it as a right in General Comment No. 15. This shows that Argentine civil society, in addition to many other societies in Latin America and across the world, actually contributed to the initial establishment of the human right to water. Ken Conca observes the

same theme through other case studies and analysis of international politics and interactions. In Governing Water, Conca writes: “These shifting understandings—not simply about water, but about authority, territory and knowledge in the context of water—are a direct result of social activism against water privatization schemes and marketization policies” (44). He observes that the movements of civil society are key in the shift to a rights-based approach. Argentina’s transformation of water management at the local and national levels as well as its role in the worldwide trend shows the impact of influence from below on the international law-making community.

6.0 CONCLUSIONS AND BROADER IMPLICATIONS

Worldwide conflicts over water resources and management pose a serious threat for current human life and future generations. The water issues in Argentina largely existed because of abuse, misuse, or mismanagement of water resources. Because of the scarcity of fresh water and the pressure put on this invaluable resource, it is important to give it important political and legal consideration and to make a firm commitment to its protection. As the cases and community actions in this paper show, civil society is communicating its will to protect the human right to water. Through advocacy, mobilization, organization, informing of rights and participation in policy and decision-making, Argentine society is seeking justice regarding access to this resource and right.

While Argentina was largely a success story about the end of water privatization and an increasing recognition of human rights, NGOs and community members faced challenges in that struggle without being able to rely on an internationally established and nationally enforceable human right to water. The positive outcomes in Argentina prove that there are much broader implications for international establishment of the human right to water. This need for activism at the local level was expressed at the 2002 World Summit on Sustainable Development in Johannesburg, South Africa. The so-called “Jo’Burg Memo” says:

“Conflicts generate the upheavals, alliances, and ideologies of that amalgam called global society. There is no universal way of seeing; there are only *context-bound viewpoints* that offer particular perspectives. Any architecture of global governance is therefore well advised to start with the assumption that conflicts bubbling up from society are neither avoidable nor finally resolvable. In the best case, they can be identified before turning violent, peacefully settled, and redirected into a productive tension” (quoted in Conca, 2006, p. 384).

The inevitable interconnectedness of society at the local, national and international levels means that the experiences of individuals and neighborhoods necessarily impact the global community, especially when many of those “context-bound” experiences work together as a force to create positive changes. This potential for such great impact should not be ignored, and the global community must incorporate the perspectives of local societies in its policy-making decisions.

The key role that Argentine civil society played in the global process of creating international water rights norms shows a need to explore further implications of national water rights laws and the obstacles to their establishment. The high involvement of civil society demonstrates the importance of enabling and encouraging local political participation. Argentina’s ability to make changes at national and international levels is important, but part of its achievements were attributable to political circumstances and a society experienced in fighting for government transparency and human rights fulfillment. This seems to imply that other communities around the world less equipped to pursue their rights—due to more extenuating circumstances of poverty or illiteracy, for example—need an international law promising the realization of the human right to water. As seen in the Argentine case study, NGOs have a necessary role in promoting participatory decision-making and providing education or legal advocacy for individuals in other nations and communities.

Although the situation in Argentina and other communities around the world prove the serious need to establish water as a legally enforceable human right, there are still obstacles to

overcome in that process. First, there needs to be worldwide recognition of the inherent connectedness of law and society. Laws are the tools used to uphold principles and rights that a society depends upon, yet in trying to protect people, it may sometimes function to simply quiet or appease people. Society's interests and needs must be recognized, especially as expressed through protests and conflicts. To strengthen the interaction between law and society, these conflicts should not be suppressed or quieted, but brought to the attention of lawmakers at national and international levels. It seems that this obstacle has begun to be addressed in recent years, with the reports by Catarina de Albuquerque for the UN after her visits to communities around the world. Second, there must be recognition and acceptance of the fundamental right to water as a human right equal to the other rights in the Universal Declaration of Human Rights. This right must be enforceable by the global community, perhaps through an international water court or tribunal. Third, the system of private property rights must be more clearly identified, and multinational corporations should be obliged to help the transition towards more local and national management for the water sector. There are many points on the spectrum between a market-based and rights-based approach that should be considered. Flexibility for the diverse experiences of many communities is necessary to ensure that water rights are fulfilled across the world; no hegemonic ideology, even with positive intentions, will be able to effectively bring water to every community in the most manageable way. Various solutions that have been explored even in Argentina include public-private partnerships, co-operatives in local communities, or state regulation of private companies. Furthermore, there must be institutional reforms to not only establish the right to water but to actualize it with proper management and enforcement at the national level. Finally, a fourth identifiable in the process of establishing universal water rights is the current perception of rights being for individuals instead of groups.

For many rights, it is important to recognize citizens as individuals and protect their rights singularly, but the nature of water and its distribution means that this traditional conception of human rights law should be reconsidered.

It is important for national systems of rights to be established, but the expansive nature of multinational corporations, and the unavoidability of internationally spreading ideologies show that international discourse on water management and rights must continue to be restructured. The situation in Argentina, a mere example of the harrowing water crisis worldwide, shows how important it is for clean water access to be a human right. Fortunately, the United Nations efforts have been a positive start, and they have capabilities to overcome impending obstacles. Because of the extreme interconnectedness of our world today, there must be worldwide acceptance of water and sanitation as a basic right. More than a handful of unexpected outcomes that support civil society or water rights, and more than a utilization of this vaguely rights-based approach by international organizations, the rights to water must be consistently recognized and enforced. Because of the way that rights intersect with both society and law, they cannot be considered a universal standard unless the international community is committed to guaranteeing them. Although it is crucial to recognize the rights of multinational corporations, their rights must be held in tandem with their responsibilities, including compensation and reparation when they are guilty of human rights violations.

While this paper cannot answer the questions or policy implications that arise in the discourse surrounding water rights, they are important to examine in further research. The international community has taken a step in the right direction by establishing water as a basic human right, but more work must be done to ensure that this right is truly recognized. Through continued research to raise awareness of water issues and increased cooperation between states,

individuals and policy-makers, states can work together to re-conceptualize the roles of all actors in the water sector. For water rights to be recognized, the distribution of this precious resource must be considered from the perspective of the public, NGOs, corporations, states, and international organizations. Only after there is full participation in the decision-making at every level can a solution be reached that will guarantee water as a fundamental human need and right.

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